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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/143,233	08/28/1998	ELIYAHOU HARARI	HARI-0600	3263

7590 03/23/2005  
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EXAMINER

NGUYEN, HIEN N

ART UNIT PAPER NUMBER

2824

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/143,233

Applicant(s)

HARARI ET AL.

Examiner

Hien N. Nguyen

Art Unit

2824

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2002 and 28 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 68-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 68-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/28/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. Acknowledgment is made of applicant's Information Disclosure statement (IDS) Form PTO-1449, filed on 2/28/05. The information disclosed therein was considered.
2. Acknowledgment is made of applicant's Amendment to the Specification and Drawings filed on 1/11/02.
3. Claims 68-78 are presented for examination.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 68-78 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For instance, in claims 68, 71 and 74:

a) there is no support for the recitation of "said second group of memory cells being provided for storing attribute data of said first group of memory cells". The full specification **did not** disclose what is considered as an attribute data or what is a function of storing between a two different groups of memory cells. For instance, the

spare portion (405) of Figure 5 is described on page 16, lines 25-35, as an organized area comprising of "*an alternative defects data area 407, a defect map area 409, a header area 411 and an ECC and others area 413*". There is no discussion, explicitly or impliedly, that this portion is used for storing attribute data. Furthermore, there is no suggestion that this area may or can be used as an attribute data storage.

Accordingly, there is no description in the specification to support the recitation of "storing attribute data" or "attribute data".

b) there is no support for "said attribute data includes a ***number of rewriting*** of said first group of memory cells". As admitted by the applicant Amendment (also by the disclosure and figure 9), the number (S) is the number of full erase cycles experienced by a block in a sequence of erase algorithm. This number (S) can be used as a preset number to avoid excessive erasing. Thus, **this number (S) is a number of full erase cycles and is not related to "a number of rewriting of a first group of memory cells"** and such description cannot be relied upon for support of this claim recitation.

Claims 69-70, 72-73 and 75-78 are rejected because of their dependency of the rejected claims above. No art rejection is applied at this time.

### ***Conclusion***

#### **1. Response of the Examiner in regards of the Request for Declaration of Interference:**

The application and the Ogura's Patent No. 5,818,754 set forth claims claim to two patentably distinct inventions. As can be understood from the disclosure, the

application discloses and claims a flash memory device which allows a process of remapping scheme by combining a number of areas in the memory device to be selected/unselected and then to be erased **simultaneously** in order to increase an erasing time in the flash.

On the other hand, Patent No. 5,818,754 to Ogura discloses an improved memory structure having a combined sector/area data and an attribute sector/data area that accessible **simultaneously** to reduce a number of addressing circuits and to improve operational speed in a flash.


Even though both claimed inventions are in the same field of endeavor and the claims appear to be directed to the "same" invention, which is of simultaneously operation in a flash memory, they are in fact directed to two distinct inventions and objectives.

**If the Applicant wishes to continue to attempt to provoke an Interference with the patent of Ogura then the response to this Office Action must present information as required under USC 37 CFR 44.202(a)(1) through 41.202(a)(6).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien N. Nguyen whose telephone number is (571) 272-1879. The examiner can normally be reached on Monday through Thursday 9:30 AM to 7:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on (571) 272-1869. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H. Nguyen   
March 18, 2005



RICHARD ELMS  
SUPERVISORY PATENT EXAMINER  
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